

(4) Is otherwise in compliance with the requirements of the Clean Air Act. [

~~"Reactor" means any vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions.]~~

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

.....

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy;

Sulfur dioxide: 40 tpy;

PM10: 15 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State. [

~~"Synthesized Pharmaceutical Manufacturing" means the manufacture of pharmaceutical products by chemical synthesis.]~~

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, pages 15 - 72 (2000)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air contaminant equal to a threshold limit value - ceiling (TLV-C) or threshold limit value-time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Volatile Organic Compound (VOC)" as defined in 40 CFR 51.100(s)(1), as effective on July 1, 2004, and amended on November 29, 2004, by 69 FR 69290 and 69 FR 69298, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: [September 8, 2005] 2006

Notice of Continuation: June 16, 2006

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality R307-110-13 Section IX, Control Measures for Area and Point Sources, Part D, Ozone

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 29001

FILED: 09/07/2006, 16:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to incorporate by reference the new Section IX.D of the state implementation plan (SIP) (ozone eight-hour maintenance plan) in Section R307-110-13, which replaces the current one-hour ozone maintenance plan and the current one-hour ozone SIP. This amendment is part of revisions to rules related to the ozone maintenance plan (see separate filings on Section R307-101-2; and Rules R307-320, R307-325, R307-326, R307-327, R307-328, R307-332, R307-335, R307-340, R307-341, R307-342, and R307-343 in this issue.) (DAR NOTE: The other filings are under: Section R307-101-2 (DAR No. 29000); and Rules R307-320 (DAR No.

29002); R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-328 (DAR No. 29005); R307-332 (DAR No. 29007); R307-335 (DAR No. 29008); R307-340 (DAR No. 29009); R307-341 (DAR No. 29010); R307-342 (DAR No. 29011); and R307-343 (DAR No. 29012) in this issue.)

SUMMARY OF THE RULE OR CHANGE: This amendment revises Section R307-110-13 by replacing Section IX.D of the SIP that is incorporated by reference by Section R307-110-13. There are several important changes in the eight-hour maintenance plan. The following is a list of major differences between this draft plan and the existing one-hour maintenance plan: 1) the previous one-hour maintenance plan established a mobile source budget for purposes of transportation conformity. When the one-hour standard was revoked, effective June 15, 2005, transportation conformity no longer applied. Therefore, the mobile source budgets for Salt Lake and Davis Counties are not included in this plan and the Wasatch Front Regional Council is not required to demonstrate conformity with the mobile source inventory that is included in this plan; 2) the previous plan included a case-by-case volatile organic compound (VOC) reasonably available control technology (RACT) determination for Hill Air Force Base (Hill) and Olympia Sales. The intent of that determination was to demonstrate that current operations at these two sources were RACT, and that any future changes would be covered by the new source review (NSR) program. The Environmental Protection Agency (EPA) interpreted this SIP provision in a more stringent manner than intended, and considered every provision in the applicable approval orders to be a SIP condition. To resolve this unworkable interpretation, the Division of Air Quality (DAQ) has worked with Hill to develop a new RACT determination for Hill to reflect underlying standards such as Utah's RACT rules and federal maximum achievable control technology (MACT) standards. Because the MACT standards were implemented since the previous one-hour maintenance plan was adopted, the overall RACT level will now be more stringent than what was considered RACT in the mid-1990s; 3) when the one-hour ozone maintenance plan was originally adopted in 1993, EPA required Utah to include contingency measures that were already adopted and could be implemented quickly. It was later discovered that the contingency measures did not need to be adopted, but could be identified as potential contingency measures that could be evaluated and adopted within a reasonable time period after an ozone violation occurred. In this eight-hour maintenance plan, a list of possible contingency measures is included. However, DAQ is recommending deleting the pre-approved rules for Stage II Vapor Recovery and several other contingencies because if and when they may be triggered in the future, those contingencies that are implemented will be selected based on information available at that time; 4) the Inspection and Maintenance Program performance standards for Salt Lake and Davis Counties are reestablished using EPA MOBILE6 software and the target years have been extended through 2014; and 5) the old one-hour maintenance plan in Section IX.D.1 of the SIP is deleted. This plan was adopted in the early 1980s and is no longer applicable because it was

developed to attain the one-hour ozone standard. This plan was developed according to current EPA guidance and demonstrates that Salt Lake and Davis Counties will remain in compliance to the Ozone National Ambient Air Quality Standards (NAAQS) through 2014. The proposed maintenance plan is available at: http://www.airquality.utah.gov/Public-Interest/Current-Issues/ozone_maintenance/index.htm.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(e)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone Maintenance Provisions for Salt Lake and Davis Counties

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Because these revisions do not create any new requirements, no change in costs is expected to the state budget.
- ❖ **LOCAL GOVERNMENTS:** Because these revisions do not create any new requirements, no change in costs is expected for local governments.
- ❖ **OTHER PERSONS:** Because these revisions do not create any new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller or Mat E. Carlile at the above address, by phone at 801-536-4042 or 801-536-4136, by FAX at 801-536-0085 or 801-536-0085, or by Internet E-mail at janmiller@utah.gov or MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 10/31/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 10/17/2006 at 2:00 PM, DEQ Building, 168 N 1950 W, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/07/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan.

R307-110-13. Section IX, Control Measures for Area and Point Sources, Part D, Ozone.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part D, Ozone, as most recently amended by the Utah Air Quality Board on ~~[September 9, 1998]~~ December 6, 2006, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: ~~June 16, 2006~~

Notice of Continuation: June 16, 2006

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

Environmental Quality, Air Quality

R307-320

**Davis, Salt Lake and Utah Counties,
and Ogden City: Employer-Based Trip
Reduction Program**

NOTICE OF PROPOSED RULE

(Amendment)

DAR File No.: 29002

FILED: 09/07/2006, 16:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify Rule R307-320 by adding language to align the rule with the new ozone maintenance plan and making other grammatical corrections throughout Rule R307-320 to improve the readability of the rule. This amendment is part of revisions to rules related to the ozone maintenance plan (see separate filings on Sections R307-101-2 and R307-110-13, and Rules R307-325, R307-326, R307-327, R307-328, R307-332, R307-335, R307-340, R307-341, R307-342, and R307-343 in this issue.) In addition, language that would trigger Rule R307-320 as a contingency measure for the PM10 State Implementation Plan (SIP) was removed because the Trip Reduction Program is no longer listed as a contingency measure in the PM10 Maintenance Plan. (DAR NOTE: The other filings are under: Sections R307-101-2 (DAR No. 29000) and R307-110-13 (DAR No. 29001); and Rules R307-325 (DAR No. 29003); R307-326 (DAR No. 29006); R307-327 (DAR No. 29004); R307-328 (DAR No. 29005); R307-332 (DAR No. 29007); R307-335 (DAR No. 29008); R307-340 (DAR No. 29009); R307-341 (DAR No. 29010); R307-342 (DAR No. 29011); and R307-343 (DAR No. 29012) in this issue.)

SUMMARY OF THE RULE OR CHANGE: References to Salt Lake and Davis Counties were replaced by the term "ozone maintenance area". Other grammatical corrections were made throughout Rule R307-320 to improve the readability of the rule. This amendment is part of revisions to rules related to the ozone maintenance plan (see DAR NOTE above). In addition, language that would trigger Rule R307-320 as a contingency measure for the PM10 SIP was removed because the Trip Reduction Program is no longer listed as a contingency measure in the PM10 Maintenance Plan.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(h)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Because these revisions do not create any new requirements, no change in costs is expected to the state budget.

❖ LOCAL GOVERNMENTS: Because these revisions do not create any new requirements, no change in costs is expected for local governments.

❖ OTHER PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because these revisions do not create any new requirements, no change in costs is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because these revisions do not create new requirements, no change to costs is expected for businesses. Dianne R. Nelson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY

AIR QUALITY

150 N 1950 W

SALT LAKE CITY UT 84116-3085, or
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THIS RULE MAY BECOME EFFECTIVE ON: 12/07/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager